

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ERIK FELIZ,

Defendant.

USDC SDN
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/28/21

PROTECTIVE ORDER

21 Cr. 12 (KMW)

Upon the application of the United States of America, Audrey Strauss, Acting United States Attorney for the Southern District of New York, Assistant United States Attorney Michael R. Herman, of counsel, and with the consent of defendant ERIK FELIZ, through counsel, for an order limiting the dissemination of any and all discovery produced in connection with the above-captioned case, including but not limited to recordings and electronically stored information (“ESI”), pursuant to Federal Rule of Criminal Procedure 16, 18 U.S.C. § 3500, and the Government’s general obligation to produce exculpatory and impeachment material in criminal cases (the “Discovery”), which contains sensitive information regarding third parties, and for good cause shown, it is hereby ORDERED that:

1. Discovery shall not be disclosed by the defendant or defense counsel, including any successor counsel (“defense counsel”) other than as set forth herein, and shall be used by defense counsel and the defendant solely for the purpose of defending this criminal action.

2. The defendant and defense counsel are precluded from disseminating any disks containing the Discovery, and any and all printouts and/or digital versions of the Discovery (and any copies and/or screenshots) to anyone beyond the defendant, defense counsel, investigative, secretarial, clerical, and paralegal personnel employed full-time or part-time by defense counsel, independent expert witnesses, investigators, or advisors retained by the defense counsel in connection with this action, and other prospective witnesses and their counsel, to the extent

deemed necessary by defense counsel, for the purpose of defending this criminal action, and such other persons as hereafter may be authorized by the Court upon motion by the defendant.

3. The defendant and defense counsel are precluded from disseminating any disks containing the Discovery, and any and all printouts and/or digital versions of the Discovery (and any copies and/or screenshots) to any named defendant who has not yet been apprehended or any such defendant's counsel.

4. The defendant and defense counsel are precluded from using any disks containing the Discovery, and any and all printouts and/or digital versions of the Discovery (or any copies or screenshots) for any purpose other than defending this criminal action.

5. The defendant and defense counsel must destroy or return any disks containing the Discovery, and any and all printouts and/or digital versions of the Discovery (including all copies), at the conclusion of the trial of this matter or when any appeal has terminated and the judgment has become final, subject to defense counsel's obligation to retain client files under the Rules of Professional Conduct.

6. This Order places no restriction on a defendant's use or disclosure of Discovery materials that originally belonged to the defendant.

[Remainder intentionally blank]

7. The provisions of this Order shall not terminate at the conclusion of this criminal prosecution, and the Court will retain jurisdiction to enforce this Order following termination of the case.

Dated: New York, New York
January 14, 2021

AUDREY STRAUSS
Acting United States Attorney
for the Southern District of New York

COUNSEL FOR
ERIK FELIZ

By: Michael R. Herman
Michael R. Herman
Assistant United States Attorney

By: A. James Bell
A. James Bell, Esq.

SO ORDERED:

Kimba M. Wood
HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE